



#3

An executed Declaration for Patent
Application
P-IU 3446
Serial No.: 09/438,917

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an
envelope addressed to: Assistant Commissioner for Patents,
Attention Box Missing Parts, Washington, D.C. 20231, on
January 13, 2000.

By Melanie K. Webster
Melanie K. Webster, Reg. No. 45,201

January 13, 2000
Date of Signature



DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **TUMOR SUPPRESSOR MOLECULES AND METHODS OF USE**, the specification of which

___ is attached hereto as Attorney Docket No. _____).

x was filed on **November 12, 1999**, as Application Serial No. **09/438,917** (Attorney Docket No. **P-IU 3446**).

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

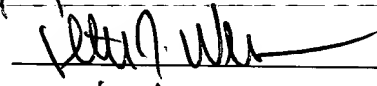
Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

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or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Peter J. Welch

Inventor's signature: 

Date: 12/15/99

Residence:

4689 E. Talmadge Drive

Citizenship:

United States of America

Post Office Address:

4689 E. Talmadge Drive
San Diego, California 92116

Inventors: Welch and Barber
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Page 3 of 3

Full name of second inventor: **Jack R. Barber**

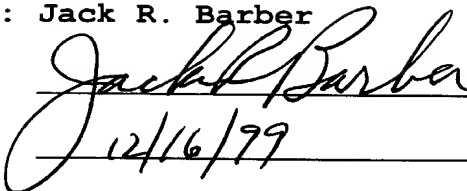
Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:


11987 Caneridge Place

United States of America

11987 Caneridge Place
San Diego, California 92128



Docket No.: P-IU 3446

Applicants: Welch and Barber

Serial No.: 09/438,917

Filed: November 12, 1999

For: TUMOR SUPPRESSOR MOLECULES AND METHODS OF USE

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(C))**

SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: **IMMUSOL INCORPORATED**
ADDRESS OF SMALL BUSINESS CONCERN: **3050 Science Park Road**
San Diego, CA 92121

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

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I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **TUMOR SUPPRESSOR MOLECULES AND METHODS OF USE** by inventors **Peter J. Welch** and **Jack R. Barber** as described in

[] the specification filed herewith
[x] application serial no. **09/438,917**, filed **November 12, 1999**.
[] patent no. , issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9© if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME:

ADDRESS:

[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Suzanne L. Zebedee, Ph.D.
TITLE IN ORGANIZATION: Vice President, Business Development
ADDRESS OF PERSON SIGNING: 3050 Science Park Road
San Diego, California 92121

SIGNATURE:



DATE:

December 16, 1999



#4

An executed Verified Statement
(Declaration) Claiming Small Entity
Status
P-IU 3446
Serial No.: 09/438,917

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the United States Postal Service as first class mail in an
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